

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

IN RE: TRACEY GODFREY,

Petitioner,

CV 24-00040-M-DLC

ORDER DENYING CERTIFICATE OF
APPEALABILITY

On April 8, 2024, this Court issued an Order dismissing this case. (Doc. 3.) Mr. Godfrey filed a Notice of Appeal (Doc. 5) and on May 29, 2024, the Ninth Circuit remanded this matter for the limited purpose of granting or denying a certificate of appealability. (Doc. 7.)

A certificate of appealability should issue as to those claims on which the petitioner makes “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). The standard is satisfied if “jurists of reason could disagree with the district court’s resolution of [the] constitutional claims” or “conclude the issues presented are adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

Review of Mr. Godfrey’s filing plainly demonstrates that he is not entitled to relief as a matter of law. A certificate of appealability is not warranted.

ACCORDINGLY, IT IS HEREBY ORDERED that a certificate of appealability is DENIED.

DATED this 23rd day of August, 2024.

A handwritten signature in blue ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large initial "D".

Dana L. Christensen, District Judge
United States District Court